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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,543	04/11/2001	Daniel Earl Poirier	5577-235	3289
20792	7590	06/16/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			FAROOQ, MOHAMMAD O	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			2182	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,543

Applicant(s)

POIRIER ET AL.

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9, 12-20 and 24 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 11, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 10, 11, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayden, U.S. Pat. No. 6,018,771 in view of Slemmer et al. U.S. Pat. No. 6,377,990.
2. As to claim 1, Hayden teaches method, comprising:

a configuring device to the network device that does not have an assigned network address (inherent; col. 1, line 65 – col. 2, line 7) utilizing an unassigned network address for a network to which the network device is attached (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

Hayden do not teach establishing a connection wherein the network to which the network device is attached is a network remote from the configuring device. Slemmer et al. teach establishing a connection wherein the network to which the network device is attached is a network remote from the configuring device (title; col. 1, lines 21-26). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide protection of individual computers from access by other computers on the network without requiring reconfiguration of the file sharing options on the computer (col. 2, lines 46-51).

3. As to claim 2, Hayden teaches method, further comprising configuring the network device utilizing the established connection (col. 3, lines 17-34).

4. As to claim 10, Hayden does not teach unassigned network address comprises an Internet Protocol address and wherein the connection comprises a Transmission Control Protocol connection.

Slemmer et al. teach unassigned network address comprises an Internet Protocol (i.e. IP) address and wherein the connection comprises a Transmission Control Protocol (i.e. TCP; inherent since internet uses TCP connection in general) connection (col. 2, line 58 – col. 3, line 22). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide protection of individual computers from access by other computers on the network without requiring reconfiguration of the file sharing options on the computer (col. 2, lines 46-51).

5. As to claim 11, Hayden does not teach the network device comprises a headless network device.

Slemmer et al. teach the network device comprises a headless network device (i.e. one of various computers; col. 6, lines 45-53). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide a local area network that does not require the user to reconfigure her computer address when she logs onto the network (col. 2, lines 43-46).

6. As to claim 21, Hayden teaches system, comprising:
- a network device (any one of items 30a-30m; fig. 1); and
 - means for a configuring device to the network device that does not have an assigned network address (inherent; col. 1, line 65 – col. 2, line 7) utilizing an unassigned network address for the network to which the network device is attached (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

Hayden do not teach establishing a connection wherein the network to which the network device is attached is a network remote from the configuring device. Slemmer et al. teach establishing a connection wherein the network to which the network device is attached is a network remote from the configuring device (title; col. 1, lines 21-26). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hayden and Slemmer et al. because that would provide protection of individual computers from access by other computers on the network without requiring reconfiguration of the file sharing options on the computer (col. 2, lines 46-51).

7. As to claim 23, Hayden teaches computer program product, comprising:
computer-readable program code embodied in a computer-readable media
(inherent in items 12 and 20a; fig. 1), the computer-readable program code comprising:
computer-readable program code which configuring device to the network device
that does not have an assigned network address (inherent; col. 1, line 65 – col. 2, line 7)
utilizing an unassigned network address for the network to which the network device is
attached (item 12, fig. 1; abstract; col. 1, line 65 – col. 2, line 7).

Hayden do not teach establishing a connection wherein the network to which the
network device is attached is a network remote from the configuring device. Slemmer
et al. teach establishing a connection wherein the network to which the network device
is attached is a network remote from the configuring device (title; col. 1, lines 21-26).
However, it would have been obvious to one of ordinary skill in the art at the time of
invention to combine the teachings of Hayden and Slemmer et al. because that would
provide protection of individual computers from access by other computers on the
network without requiring reconfiguration of the file sharing options on the computer
(col. 2, lines 46-51).

Allowable Subject Matter

8. Claims 3-9, 12-20 and 24 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 2-11, 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

10. The examiner has changed 102 rejection of claims 1, 2, 21 and 23 to 103 rejection with previously provided references (Hayden and Slemmer et al.). New limitation to the independent claims the network to which the network device is attached is a network remote from the configuring device has been addressed by Slemmer et al. reference in an obviousness 103 rejection. Further, examiner disagrees with the applicant Hayden do not teach establishing a connection to a device which has no assigned address. As the applicant conceded in the REMARKS Hayden at col. 1, line 65 – col. 2, line 7 teaches assigning multicast addresses. It is inherent that these addresses are assigned to an unassigned node depending on the purpose of the node. Therefore, the examiner retains the rejections of claims with new 103 obviousness rejection.

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

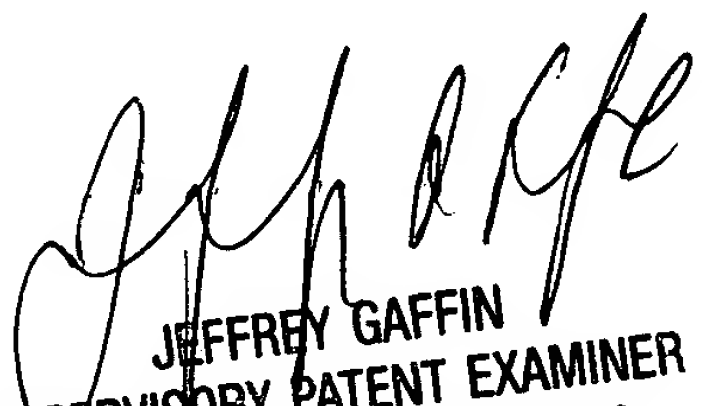
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
June 10, 2005